IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO.129/1998

Mr. Savio Gerald D'Souza,
aged 36 years r/o. Angod,
Mapuca, Bardez, Goa. .... Petitioner.

V/s

1. State of Goa, through the
Chief Secretary, with office
at Secretariat, Panaji, Goa.

2. Administrator of Comunidades
North Zone, Comunidade Bldg.,
Altinho, Mapuca, Goa.

3. Comunidade of Nachinola, with
office at Nachinola Church
Compound, Bardez, Goa.

4. Administrative Tribunal for Goa,
with Office at Panaji, Goa.

5. Olezorio Bom Jesus Francisco
Agnelo Graca Cruz e Lobo,
residing at 9, Fr. Agenelo Road,
Panaji, Goa.

6. Mr. Vincent R.D. Cabral,
near Damian de Goa,
Porvorim, Bardez, Goa.

7. Mr. Laxmikant Govind Kamat,
Nachinola, Church Compound
Nachinola, Bardez, Goa. ..... Respondents.

Mr. M.B. D'Costa, Advocate for the petitioner.

Mr. A.N.S. Nadkarni, Advocate General with Mr. H.R. Bharne, Govt. Advocate for respondent No.1.

Mr. Govind L. Lad, Advocate for respondent No.3, absent.

Mr. S.G. Bhobe, Advocate for respondent No.5.

CORAM : F.I. REBELLO &
P.V. HARDAS, JJ.

DATE : JUNE 4, 2003.

ORAL JUDGMENT : (Per REBELLO, J.)

By the present petition, the petitioner prays for a declaration that certain clauses of Goa Diploma Legislative No.2070 dated 15.4.1961 (Amendment) Act, 1977 are violative of Articles 14, 19(1) and 21 of the Constitution of India and, therefore, void and also for a further declaration that Article 5 of the Code of Comunidades is similarly voilative of Articles 14, 19(1) and 21 of the Constitution. The matter basically arises out the election/appointment to the Managing Committee of the Comunidade of Nachilona. The period for which the Committee was appointed has already expired. In the meantime, respondent No.5 also died. A new Committee has now been constituted. Considering that, the real subject matter of the petition no longer subsists. In the light of that, it would be an idle exercise to decide the issue of challenge to vires of the Legislative Diploma. The said issue is left open for consideration if the petitioner is advised to file any other petition challenging the same.

In the light of that, rule discharged. No order as to costs. Petition stands disposed of.

F.I. REBELLO, J.

P.V. HARDAS, J.

ssm.